

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTIETH LEGISLATURE

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**FIFTY-SEVENTH LEGISLATIVE DAY**  
**MONDAY, MARCH 9, 2009**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Coiner and Keough, absent and formally excused by the Chair; and Senators Andreason, Cameron, Lodge, and Schroeder, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Michele Jenkins, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 6, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Cameron and Schroeder were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

March 9, 2009

The JUDICIARY AND RULES Committee reports that [S 1141](#), [S 1142](#), [S 1143](#), [SCR 107](#), and [SCR 108](#) have been correctly printed.

DARRINGTON, Chairman

[S 1141](#) was referred to the Resources and Environment Committee.

[S 1142](#) and [S 1143](#) were referred to the State Affairs Committee.

[SCR 107](#) and [SCR 108](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 6, 2009

The JUDICIARY AND RULES Committee reports that [S 1109](#), as amended, and [S 1112](#), as amended, have been correctly engrossed.

DARRINGTON, Chairman

[S 1109](#), as amended, and [S 1112](#), as amended, were filed for first reading.

March 6, 2009

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1109](#) and [S 1112](#) have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 6, 2009

The JUDICIARY AND RULES Committee reports that Enrolled [S 1079](#) was delivered to the Office of the Governor at 2:45 p.m., March 6, 2009.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 6, 2009

The RESOURCES AND ENVIRONMENT Committee reports out [HCR 18](#) and [HJM 1](#) with the recommendation that they do pass.

SCHROEDER, Chairman

[HCR 18](#) and [HJM 1](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

March 9, 2009

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of the State the following Senate Bill, to wit:

**S 1079**

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**S 1109**, as amended, and **S 1112**, as amended, by Health and Welfare Committee, were read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**H 152**, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

**S 1104**, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

**S 1131**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 121**, **H 119**, **H 142**, and **H 10**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

**S 1127**, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

**S 1133**, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

Senators Andreason and Lodge were recorded present at this order of business.

On request by Senator Schroeder, granted by unanimous consent, **S 1020**, having been held, was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, **S 1126** retained its place on the Third Reading Calendar for one legislative day.

**S 1122** was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Sagness arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Coiner, Keough. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1122** passed, title was approved, and the bill ordered transmitted to the House.

President Little assumed the Chair.

**S 1123** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Davis, granted by unanimous consent, **S 1123** retained its place on the Third Reading Calendar.

**S 1128** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Hill and Kelly arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Coiner, Keough. Total - 2.

Total - 35.

Whereupon the President declared **S 1128** passed, title was approved, and the bill ordered transmitted to the House.

**S 1123**, having been held, having previously been read the third time at length, and debate having previously been opened, was before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and reopened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness

(Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 31.

NAYS–Kelly, LeFavour. Total - 2.

Absent and excused–Coiner, Keough. Total - 2.

Total - 35.

Whereupon the President declared [S 1123](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 31](#), as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Coiner, Keough. Total - 2.

Total - 35.

Whereupon the President declared [H 31](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

[H 34](#), as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Coiner, Keough. Total - 2.

Total - 35.

Whereupon the President declared [H 34](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

[H 79](#), as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Winder. Total - 30.

NAYS–Bock, Kelly, Werk. Total - 3.

Absent and excused–Coiner, Keough. Total - 2.

Total - 35.

Whereupon the President declared [H 79](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

[H 132](#), as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Coiner, Keough. Total - 2.

Total - 35.

Whereupon the President declared [H 132](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Cameron, granted by unanimous consent, [H 61](#), having been held, was recommitted to the Finance Committee.

[H 45](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Coiner, Keough. Total - 2.

Total - 35.

Whereupon the President declared [H 45](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Lodge, granted by unanimous consent, [H 37](#) retained its place on the Third Reading Calendar for one legislative day.

[H 35](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Sagness arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Coiner, Keough. Total - 2.

Total - 35.

Whereupon the President declared [H 35](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, [H 123](#) was placed at the head of the Third Reading Calendar, followed by all Senate bills, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 11 a.m., Tuesday, March 10, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary